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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,770	02/28/2005	Alan Foster	7520-2	6942

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/526,770

Applicant(s)

FOSTER, ALAN

Examiner

Andre' L. Jackson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-16 and 20-32 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,887,824 to Zatlin. Zatlin discloses a support for a castor, comprising;

first and second plates (24, 30) located in coaxial, spaced apart relationship so as to provide mutually facing surfaces, bearing means (28) located between the plates whereby one plate is rotatable with respect to the other plate about a pivot axis, and one component of at least one pair of co-operable components (26, 26, 32, 32) being mounted on each plate, at least one of which pair of components is a permanent magnet adapted, in one angular position of the rotatable plate with respect to the other plate, to be brought into registration with a relatively small air gap between adjacent surfaces of the two co-operable components to create a magnetic flux that, up to a certain torque restrains rotation, and in other angular positions without registration permits free rotation unless and until re-registration occurs, wherein the castor contacting a surface is restrained from rotating about the pivot axis until at least the certain torque is applied.

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As to claims 15 and 16, as best seen in figure 3, the rotatable plate is formed in disc shape with a depending sidewall or skirt/rim extending toward the other plate and encloses the pair of magnet components.

As to claims 21-24, as best seen in figure 3, the rotatable plate and other plate are in the form of disc with a portion of each disc shaped plate including the pair of magnetic components shaped as annular half-discs spaced on a common diameter of each plate respectively about one hundred-eighty degrees apart defining spaced apart confronting faces when assembled.

As to claims 27-32, the castor of Zatlin is in the form of a trolley or skateboard comprising a support structure (34, 36) and multiple wheels (18) mounted rotatably about the support structure located integrally with the rotatable plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Zatlin. Zatlin does not specifically disclose that any of the co-operable magnetic components is either ferro-magnetic or electro-magnetic as claimed. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to substitute or form the magnets of Zatlin to be in form of electro-magnets or ferro-magnets, since the Examiner takes the position that the magnetic material claimed and cited in the prior art operate as equivalents for their

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intended use and function in the magnetic castor art and the selection of any of these known equivalents to modified into the castor assembly of Zatlin would be within the level of ordinary skill in the art. Further, applicant has not stated or disclosed that the selection of the above magnetic attractive material solves any relevant problem or achieves an unexpected result or is for a particular purpose, thus the castor assembly of Zatlin operates equally as well.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment of November 21, 2006 have been fully considered but they are not persuasive. In particular, applicant argues on pages on 7 and 8 of the above amendment that the prior art relied upon (Zatlin) fails to disclose or suggest every limitation as set forth in claims 1 and 14 in particular. More specifically, applicant states that Zatlin fails to disclose or suggest, when the castor of Zatlin contacts a surface, the castor is restrained from rotating about the pivot axis until a certain torque is applied. Further, applicant implies Zatlin teaches away from applicant's claimed invention because the castor of Zatlin may rotate or "freely swivel" about its mounting means when the castor wheels contact a surface. Here, the Examiner agrees with applicant that Zatlin discloses a skatecraft having a plurality of wheels or casters and the casters or wheels in particular are disposed about a wheel mount **22**. When the casters or wheels of wheel mount **22** come into contact with a surface (pavement), the wheel mount may rotate in a direction of travel of the skatecraft. However, Zatlin goes further to disclose that before the "freely swivel" movement is achieved, repulsion of magnets **32** and **26** has to be **overcome** (col. 2, lines 13-19) by a load or weight shift of a user of the skatecraft.

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This passage is interpreted broadly as the magnets **32** and **26**, although very briefly, refrain the wheel mount from movement until the certain applied torque, in this case, the shifting of weight of a user is simultaneously applied thereon. In another way, the Examiner believes when the wheel mount **22** comes into initial contact with the pavement, the wheel mount is refrained from rotation about the pivot axis until to the repulsion of the magnets **32** and **26** is surmounted. Once surmounted, the wheel mount is free to swivel or rotate in a direction dictated by a user applying a weight shift or certain torque to the skatecraft and subsequently the wheel mount to rotate or swivel about its axis.

Therefore, the Examiner believes Zatlin does disclose the operating function of applicant's invention as recited in applicant's claims broadly interpreted and the structural and functional limitations of the claims are deemed to be anticipated or rendered obvious over Zatlin. Consequently, claims 1-32 remain unpatentable over Zatlin. There being no other unaddressed arguments presented by applicant, this Action is made final.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER